

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14-CR-00175 AGF (DDN)
)	
MARK PALMER <i>et. al</i> ,)	
)	
Defendant.)	

**DEFENDANTS' JOINT MOTION FOR EXTENSION OF TIME TO FILE ANY
MOTION TO DISMISS INDICTMENT**

COME NOW Defendants, by and through their respective undersigned counsel, and hereby move for the Court to grant them a thirty day extension of time, to and including Wednesday, July 1, 2015, in which to file any Motion to Dismiss the Indictment. In support of their motion, Defendants state as follows:

1. The Court previously set a June 1, 2015 deadline for any motion to dismiss to be filed. *See* Doc. 150.
2. At various of the status conferences held in this case and the related cases, the Court related its understanding that defendants may wish to consider any plea proposals in order to inform their decision as to whether to proceed to file any motion to dismiss.
3. Certain defendants in this case have specifically requested that they be provided with stipulations to evaluate. One defendant in this case has received a stipulation from the Government. In addition, during the status conferences held on January 29 and May 7, 2015 counsel for the Government communicated that they are working on draft stipulations to supply to counsel for all defendants, regardless of whether they have requested a stipulation.

During the May 7 status conference, the Government anticipated supplying draft stipulations in approximately four weeks' time from the date of that conference.

4. Pending counsel's receipt of draft stipulations for their respective clients, certain of undersigned counsel have coordinated with counsel in the related cases in regard of the research and preparation of potential motions to dismiss.

5. Defendants make this motion in order to permit additional time in which they may consider the stipulations that are forthcoming from the Government after receiving the same but before proceeding to file any motion to dismiss. Defendants' counsel will utilize the intervening time to further coordinate any motion to dismiss to be filed with this Court and to take account of potentially forthcoming authority that may bear upon certain issues they may move for the Court to decide. *See, e.g., McFadden v. United States*, 735 F.3d 432 (4th Cir. 2014), *cert. granted*, 135 S.Ct. 1039 (U.S. Jan. 15, 2015) (No. 14-378) (argued Apr. 21, 2015); *see also United States v. O'Connell*, No. 2:14CR00001-009, 2015 WL 2365628, at *2 (W.D. Va. May 18, 2015) (noting that on of appeal of *McFadden* to the Supreme Court of the United States, the United States conceded defendants' arguments and at oral argument, the Supreme Court proved receptive to reversal of the Fourth Circuit's decision in *McFadden*; and further observing "it is likely that the *McFadden* ruling will be rejected" and that "[t]he Supreme Court likely will hand down its decision by the end of its term in June").

6. Defendants therefore respectfully request that the Court enter its Order granting additional time, to and including July 1, 2015 in which they may file any motion to dismiss.

WHEREFORE, for the foregoing reasons, Defendants jointly request that the Court grant their motion for a thirty-day extension of time to and including July 1, 2015, in which to file any motion to dismiss and grant all such other and further relief this Court finds just and warranted under the circumstances.

Dated: May 29, 2015

Respectfully submitted,

THE LAW OFFICE OF JASON A. KORNER

By: /s/ Jason A. Korner
Jason A. Korner #58495MO
7911 Forsyth Blvd. Suite 300
Clayton, Missouri 63105
Telephone: (314) 409-2659
Fax: (314) 863-5335
Email: jasonkorner@kornerlaw.com

Attorney for Defendant Samuel Leinicke

BOROWIAK LAW FIRM

By: /s/ Zachary J. Borowiak (with permission)
Zachary J. Borowiak #58855MO
225 South Meramec, Suite 301
St. Louis, Missouri 63105
Telephone: (314) 537-2351
Fax: (314) 269-1042
Email: borowiaklaw@gmail.com

Attorney for Defendant Robert Wolfe

THE LAW OFFICES OF SHELBY M. COWLEY THE MUTRUX LAW FIRM

By: /s/ Shelby M. Cowley (with permission)
Shelby M. Cowley #62819MO
1717 Park Avenue
St. Louis, MO 63104
Telephone: (314) 721-1024
Fax: (314) 446-4700
Email: shelby@cowleylaw.net

Attorney for Defendant Mark Palmer

By: /s/ Tyson Mutrux (with permission)
Tyson Mutrux
1717 Park Avenue
St. Louis, MO 63104
Telephone: (314) 270-2273
Fax: (314) 884-4333
Email: tyson@mtruxlaw.com

Attorney for Defendant Mark Palmer

LUCCO, BROWN, THRELKELD & DAWSON DOWD BENNETT LLP

By: /s/ J. William Lucco (with permission)
J. William Lucco #1701835IL
Christopher P. Threlkeld #6271483IL
224 St. Louis Street
Edwardsville, Illinois 62025
Telephone: (618) 656-2321
Fax: (618) 656-2363
Email: blucco@lbtldlaw.com
cthrelkeld@lbtldlaw.com

Attorneys for Defendant Charles Wolfe

By: /s/ James E. Crowe, III (with permission)
James E. Crowe, III #50031MO
7733 Forsyth Boulevard, Suite 1900
Clayton, Missouri 63105
Telephone: (314) 889-7300
Fax: (314) 863-2111
Email: jcrowe@dowdbennett.com

Attorney for Defendant Joseph Gabrick

KILGORE LAW OFFICES

By: /s/ Patrick Kilgore (with permission)

Patrick Kilgore #44150MO

7911 Forsyth Boulevard

Clayton, Missouri 63105

Telephone: (314) 753-0096

Fax: (314) 863-5335

Email: patrick@patrickkilgorelaw.com

Attorney for Defendant Anthony Palmer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of May, 2015, a true and correct copy of the foregoing was filed with the Court using the CM/ECF system, and service upon all participants in the case who are CM/ECF users will be accomplished by operation of that system.

/s/ Jason A. Korner